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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**OREGON PRESCRIPTION DRUG
MONITORING PROGRAM**, an agency of
the **STATE OF OREGON**,

Plaintiff,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION**,
an agency of the **UNITED STATES
DEPARTMENT OF JUSTICE**,

Defendant.

Case No.: 3:12-cv-02023-HA

**UNOPPOSED MOTION
FOR ENTRY OF JUDGMENT**

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, DR. JAMES ROE, and ACLU OF OREGON,

Plaintiffs-Intervenors,

v.

UNITED STATES DRUG ENFORCEMENT ADMINISTRATION,
an agency of the **UNITED STATES DEPARTMENT OF JUSTICE,**

Defendant in Intervention.

LR 7-1 CERTIFICATION

Counsel for the Oregon Prescription Drug Monitoring Program (“PDMP”) and the United States Drug Enforcement Administration (“DEA”) have no objection to the filing of this motion.

MOTION

Pursuant to Federal Rule of Civil Procedure 58(d), John Does 1–4, Dr. James Roe, and the ACLU of Oregon (“Intervenors”) respectfully “request that judgment be set out in a separate document as required by Rule 58(a),” Fed. R. Civ. P. 58(d).

On February 11, 2014, this Court issued an Opinion and Order granting the Intervenors’ Motion for Summary Judgment, denying the PDMP’s Motion for Summary Judgment as moot, and denying the DEA’s Cross Motions for Summary Judgment. (Dkt. 60). This order resolves all pending issues in this case, but does not constitute entry of judgment. *See* Fed. R. Civ. P. 58(a).

WHEREFORE, Intervenors respectfully request that this Court enter final judgment “grant[ing] the relief to which each party is entitled,” Fed R. Civ. P. 54(c), including:

- a. A declaration that the DEA’s requests for personally identifiable prescription records from the PDMP without first obtaining and producing a warrant violate the Fourth

Amendment rights of Intervenor and other individuals in Oregon, as well as the Administrative Procedures Act;

- b. A permanent injunction prohibiting the DEA from obtaining prescription records from the PDMP without securing a probable cause warrant; and
- c. Designation of Intervenor as a prevailing party for purposes of attorneys' fees and costs.

See Compl. in Intervention for Declaratory and Injunctive Relief at 37, Dkt. 18.

Dated: February 26, 2014

Respectfully Submitted,

/s/ Nathan Freed Wessler
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